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Attorneys for Defendant
Synapse Group, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CHARLES T. MCNAIR,
THEODORE AUSTIN, DANIELLE
DEMETRIOU, USHMA DESAI and
JULIE DYNKO,

Plaintiffs,

v.

SYNAPSE GROUP, INC.,
Defendant.

CIVIL ACTION NO. 2:06-cv-05072
(JLL) (CCC)

**DEFENDANT'S NOTICE OF
MOTION TO STRIKE OR EXCLUDE
THE REPORT OF DR. WARREN J.
KEEGAN**

**(RETURNABLE NOVEMBER 3,
2008)
ORAL ARGUMENT REQUESTED**

To: Gary S. Graifman, Esq.
Kantrowitz, Goldhamer & Graifman, Esqs.
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Montvale, New Jersey 07645

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PLEASE TAKE NOTICE that on Monday, November 3, 2008, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant Synapse Group, Inc. shall move before the Honorable Jose L. Linares, U.S.D.J., United States District Court for the District of New Jersey, at the Martin Luther King Jr. Federal Building & U.S. Courthouse, Newark, New Jersey, pursuant to Fed. R. Evid. 402, 702 and Fed. R. Civ. P. 12(f), for the entry of an Order striking or excluding the report of Dr. Warren J. Keegan that plaintiffs submit in support of their pending motion for class certification;

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendant shall rely upon Defendant Synapse Group, Inc.'s Memorandum of Law in Support of Motion to Strike or Exclude the Report of Dr. Warren J. Keegan, dated September 29, 2008, which is submitted herewith;

PLEASE TAKE FURTHER NOTICE that Defendant requests oral argument; and

PLEASE TAKE FURTHER NOTICE that at that time and place aforesaid, Defendant will request that the proposed form of Order submitted herewith, in accordance with Local Civ. R. 7.1, be entered by the Court.

Date: September 29, 2008

KELLEY DRYE & WARREN LLP

By /s/ Geoffrey W. Castello
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